FILED

FEB 09 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

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Attorneys for United States of America

SEALED BY ORDER OF COURT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CR 21 70228 MAG

UNITED STATES OF AMERICA, Plaintiff, v. MARIPOSA CASTRO, Defendant.	CASE NO. NOTICE OF PROCEEDINGS ON OUT-OF-DISTRICT CRIMINAL CHARGES PURSUANT TO RULES 5(c)(2) AND (3) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure that on February 9, 2021, the above-named defendant was arrested pursuant to an arrest warrant (copy attached) issued upon an

- ☐ Indictment
- ☐ Information
- ☒ Criminal Complaint
- ☐ Other (describe) _____

pending in the United States District Court for the District of Columbia, Case Number 1:21-mj-00142.

In that case (copy of Complaint attached), the defendant is charged with violation of Title 18 United States Code, Section 1752(a)(1) & (2) (Knowingly Entering or Remaining in any Restricted

Building or Grounds Without Lawful Authority) and Title 40 United States Code, Section 5104(e)(2)(D)&(G) (Violent Entry and Disorderly Conduct on Capitol Grounds).

The maximum penalties are as follows:

1. 18 U.S.C. 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
   Class A misdemeanor
   1 year max term of imprisonment
   Max fine of $100,000

2. 40 U.S.C. 5104(e)(2) – Violent Entry and Disorderly Conduct on Capitol Grounds
   Class B misdemeanor
   6 months max term of imprisonment
   Max fine of $5,000

Respectfully Submitted,

DAVID L. ANDERSON
UNITED STATES ATTORNEY

Date: February 9, 2021

/s/
MAIA PEREZ
Assistant United States Attorney

CR 21 70228 MAG

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
MARIPOSA CASTRO

Defendant(s)

Case: 1:21-mj-00142
Assigned to: Judge Robin M. Meriweather
Assign Date: 1/21/2021
Description: COMPLAINT W/ ARREST WARRANT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. 1752 (a)(1)&(2)	Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
40 U.S.C. 5104(e)(2)(D)&(G)	Violent Entry and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Kathryn Camiliere, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 01/21/2021

2021.01.21 15:53:08 -05'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

STATEMENT OF FACTS

Your affiant, Kathryn Camiliere, is employed as a Special Agent by the Federal Bureau of Investigation ("FBI"). Specifically, I am assigned to the Washington Field Office, where I am currently tasked with investigating criminal activity in and around the United States Capitol grounds. As a Special Agent, I am authorized by law or by a government agency to engage in or supervise the prevention, detention, investigation, or prosecution of violations of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

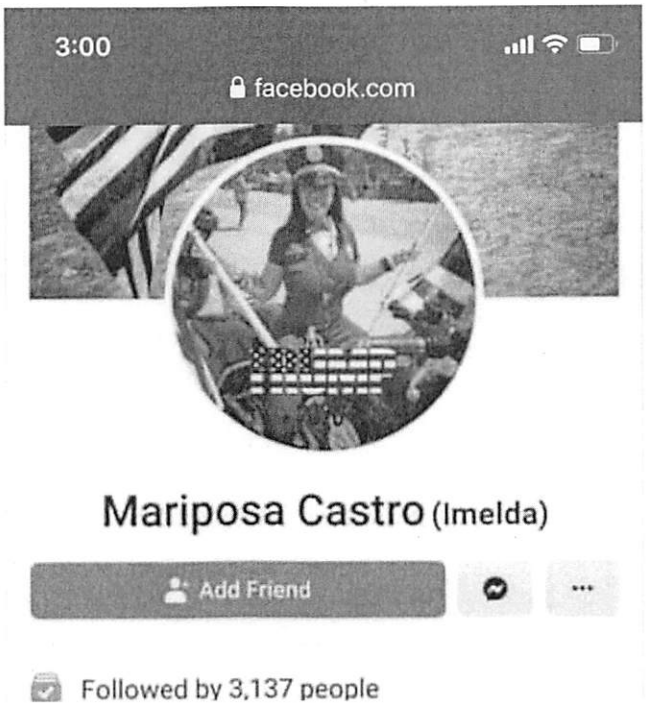
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

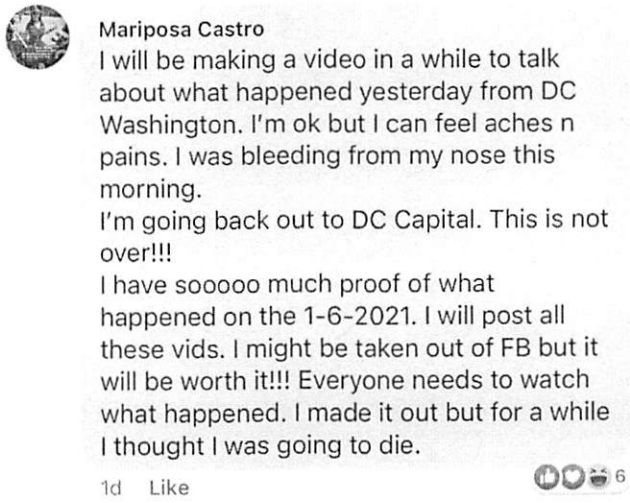
During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of

violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 8, 2021, your affiant interviewed a tipster (hereinafter, "T-1"), who indicated that MARIPOSA CASTRO ("CASTRO") of Gilroy, California, had participated in the riots at the Capitol on January 6, 2021. CASTRO is well-known in the community for her counter-protest activities. T-1 is part of a social media group that has, at times, discussed CASTRO's conduct. During those discussions, T-1 has seen images and videos featuring CASTRO that CASTRO has uploaded to social media platforms. T-1 provided the FBI with screenshots of CASTRO's Facebook profile page:



Based on information that T-1 provided to your affiant, the FBI identified multiple social media accounts associated with CASTRO, including accounts on Facebook and Instagram using the names "Imelda Castro" and "Mariposa Castro." The account "Mariposa Castro" posted the following regarding the events of January 6, 2021:


Mariposa Castro
I will be making a video in a while to talk about what happened yesterday from DC Washington. I'm ok but I can feel aches n pains. I was bleeding from my nose this morning.
I'm going back out to DC Capital. This is not over!!!
I have sooooo much proof of what happened on the 1-6-2021. I will post all these vids. I might be taken out of FB but it will be worth it!!! Everyone needs to watch what happened. I made it out but for a while I thought I was going to die.
1d Like
6

Additionally, CASTRO, using the other Facebook account provided by T-1, "Imelda Castro," posted the following:

3:00
facebook.com
Imelda Castro is with Mariposa Castro.
4 hrs
I'M IN JAIL ON MY MARIPOSA FB ACCOUNT FOR 30 days.
Why? Bcoz of all the videos I was posting from the Capital State D.C.!
I will be posting the rest of the videos from here!
MAGA

CASTRO also uploaded several videos to the "Mariposa Castro" Facebook account on January 6, 2021. In one video, CASTRO climbed through a window of the Capitol building using the staging/platform that was built for the Inauguration. The platform is located at the middle

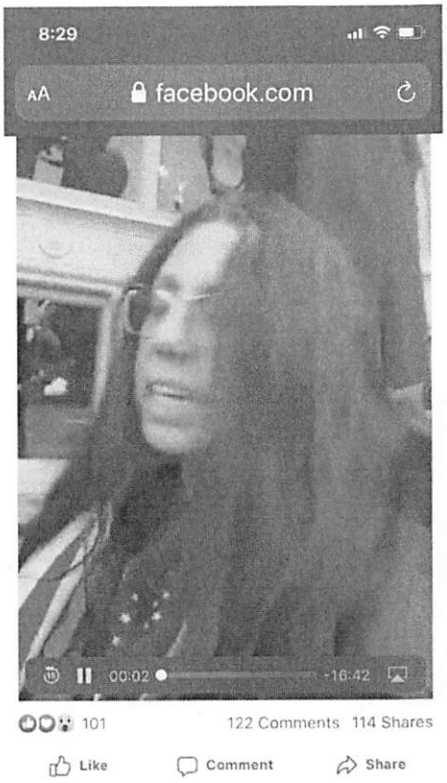
landing of the Lower West Terrace of the Capitol building. Before entering room ST2M, CASTRO handed her belongings through the window to someone inside. As reflected in the following screen shots, CASTRO then climbed into the Capitol building through the window:

As CASTRO climbed into the Capitol building, she narrated: "I'm going in. I'm going in, I'm going in the Capitol. We're in! We're inside the Capitol house. We got inside the Capitol."

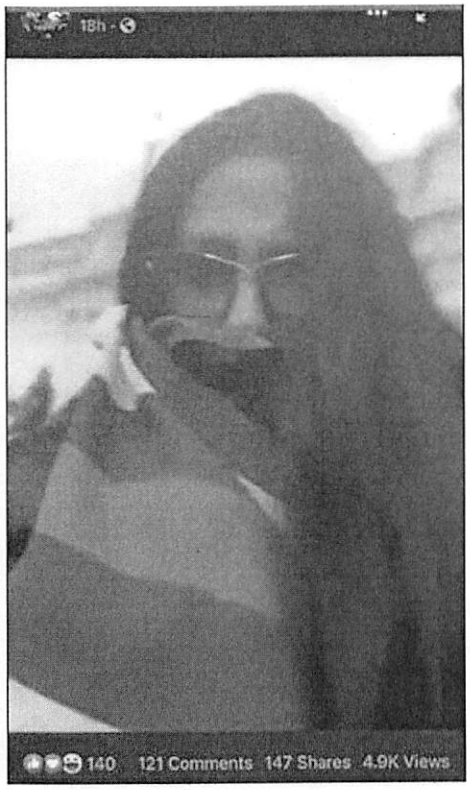
A separate video taken by an unknown individual captured CASTRO inside of the Capitol building, apparently moments after she climbed through the window. In that video, CASTRO is holding her phone as individuals around CASTRO discuss the floor plan of the Capitol building. CASTRO is holding the same colorful flag that she handed to someone before she climbed into the Capitol building.

CASTRO continued uploading videos throughout the day on January 6, 2021. In one video, CASTRO indicated that she was "back again." She "had to get out of there" because they "released some gases" and she could not "breathe inside there." In the video, she appeared to again be outside of the Capitol building. It is apparent from her demeanor, as well as the demeanor of those around her, that a chemical irritant had been deployed. An image from that video is below:

Behind CASTRO, individuals passed a door through the window of the Capitol building:



In yet another video, CASTRO filmed the scene outside of the Capitol building as law enforcement deployed chemical irritants into the air. CASTRO said in the video: "This is too much" and "I'm getting out."

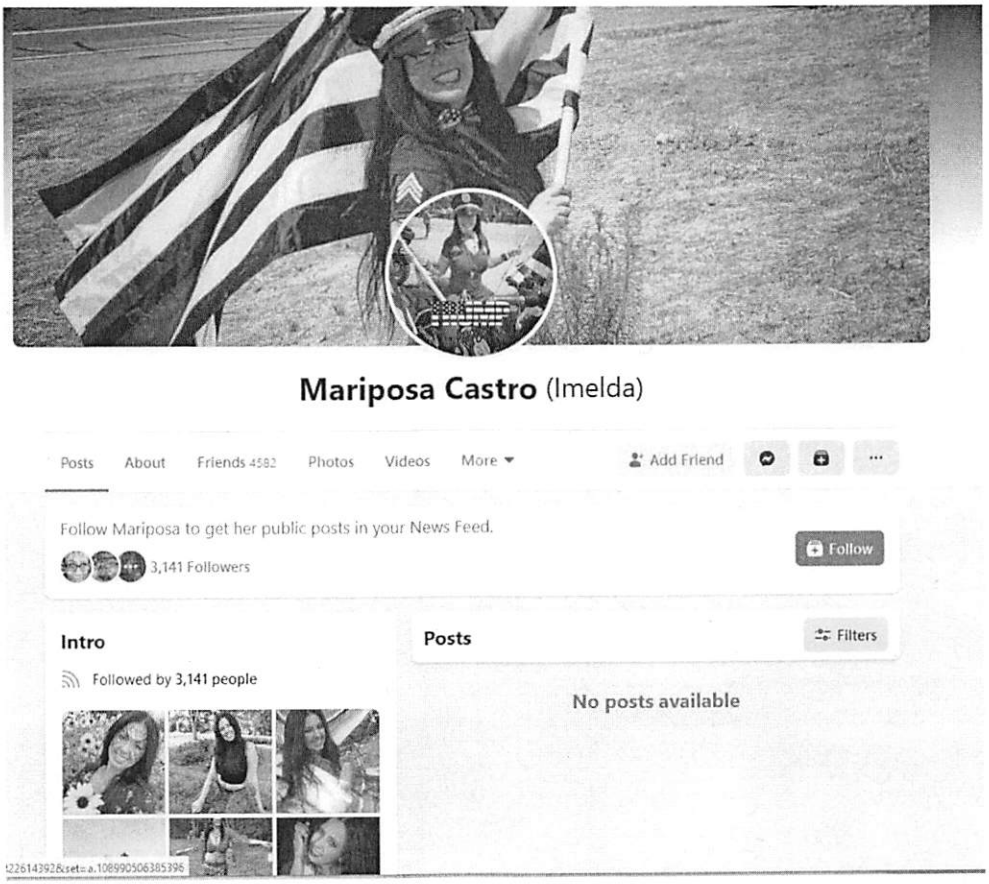


CASTRO continued uploading videos into the evening. In two additional videos, it appears to be early evening and CASTRO is walking away from the Capitol building. In one video, CASTRO and an unknown subject are speaking into the camera. The unknown subject declared, "Traitors will be shot." The unknown subject also referenced Vice President Pence and said, "You're [sic] coming." CASTRO added, "We're coming" and "this is war," echoing the statements of the unknown subject.

FBI agents conducted a canvass interview near CASTRO's address of record in Gilroy, California. Witness-1 ("W-1"), a person who was familiar with CASTRO, told FBI agents that CASTRO indicated she had plans to travel to Washington, D.C. FBI agents obtained travel records confirming that CASTRO traveled to Washington, D.C., on January 5, 2021, the day before the riots.

Your affiant conducted logical investigative queries to confirm pertinent identifiers for CASTRO, including date of birth. Using that biographical information, FBI personnel located a registered driver's license for CASTRO with the California Department of Motor Vehicles ("DMV").

Your affiant reviewed Facebook profile pictures associated with CASTRO's account, "Mariposa Castro," as well as the various social media postings on the account. Examples include the photo below:

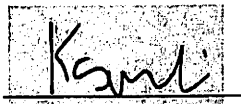


Your affiant also reviewed photos of CASTRO posted to CASTRO's yoga studio Instagram account. Finally, your affiant compared those photographs with CASTRO's DMV photo and believes that the individual in the photographs above is CASTRO.

On Friday, January 15, 2021, FBI agents attempted contact with CASTRO at her residence in Gilroy, California. FBI agents could see a woman who matched CASTRO's description inside the residence, but the person did not come to the door. A voice message left on CASTRO's cell phone has gone unanswered.

Your affiant submits there is probable cause to believe that CASTRO violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that CASTRO violated 40 U.S.C. § 5104(e)(2)(D), (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



KATHRYN CAMILIERE
SPECIAL AGENT
FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 21st day of January 2021.

2021.01.21
15:43:30 -05'00'

THE HONORABLE ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	**Case No:**
	:	
v.	:	
	:	**VIOLATIONS:**
	:	
MARIPOSA CASTRO,	:	**18 U.S.C. § 1752(a),**
	:	**(Restricted Building or Grounds)**
Defendant.	:	
	:	**40 U.S.C. § 5104(e)(2)**
	:	**(Violent Entry or Disorderly Conduct)**

ORDER

This matter having come before the Court pursuant to the application of the United States to seal criminal complaint, the Court finds that, because of such reasonable grounds to believe the disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation, the United States has established that a compelling governmental interest exists to justify the requested sealing.

1. IT IS THEREFORE ORDERED that the application is hereby GRANTED, and that the affidavit in support of criminal complaint and other related materials, the instant application to seal, and this Order are sealed until the arrest warrant is executed.

2. IT IS FURTHER ORDERED that the Clerk's office shall delay any entry on the public docket of the arrest warrant until it is executed.

Date: 01/21/2021

2021.01.21
16:21:04 -05'00'

ROBIN M. MERIWEATHER
UNITED STATES MAGISTRATE JUDGE

AO 442 (Rev. 11/11) Arrest Warrant CR 21 70228 MAG

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
MARIPOSA CASTRO

Case: 1:21-mj-00142
Assigned to: Judge Robin M. Meriweather
Assign Date: 1/21/2021
Description: COMPLAINT W/ ARREST WARRANT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Mariposa Castro ,

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint

☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. 1752 (a)(1)&(2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. 5104(e)(2)(D)&(G) - Violent Entry and Disorderly Conduct on Capitol Grounds

Date: 01/21/2021

2021.01.21 15:53:46 -05'00'

Issuing officer's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____

at *(city and state)* _____.

Date: _____

Arresting officer's signature

Printed name and title